

## HB0155S01 compared with HB0155

~~deleted text~~ shows text that was in HB0155 but was deleted in HB0155S01.

Inserted text shows text that was not in HB0155 but was inserted into HB0155S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Bruce R. Cutler proposes the following substitute bill:

### SMOKE AND TOBACCO FREE CAPITOL HILL

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bruce R. Cutler**

Senate Sponsor: ~~\_\_\_\_\_~~ Brian Zehnder

---

#### LONG TITLE

##### General Description:

This bill prohibits smoking and the use of tobacco at the capitol hill complex and provides penalties for violating this prohibition.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits smoking and the use of tobacco at the capitol hill complex;
- ▶ permits the State Capitol Preservation Board to designate an area at the capitol hill complex for smoking and the use of tobacco; and
- ▶ provides penalties for violating the provisions of this bill.

##### Money Appropriated in this Bill:

None

## HB0155S01 compared with HB0155

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**76-10-113**, Utah Code Annotated 1953

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-10-113** is enacted to read:

**76-10-113. Restriction on tobacco use on capitol hill complex -- Penalties.**

(1) As used in this section:

(a) "Board" means the State Capitol Preservation Board created in Section 63C-9-201.

(b) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.

(c) "Smoking" means the same as that term is defined in Section 26-38-2.

(d) (i) "Tobacco" means:

(A) a cigarette or a tobacco product, as those terms are defined in Section 59-14-102;

or

(B) an electronic cigarette product, as that term is defined in Section 59-14-802.

(ii) "Tobacco" does not include a cessation product specifically approved by the United States Food and Drug Administration for the cessation of tobacco use.

(2) Except as provided in Subsection (5), smoking and the use of tobacco are prohibited indoors and outdoors at the capitol hill complex.

(3) (a) A person who violates ~~this section~~ **Subsection (2)** is guilty of an infraction and is subject to ~~a maximum fine of \$45.~~

~~(b)~~ **the penalty described in Subsection (3)(b).**

**(b) (i) A first violation of Subsection (2) is subject to a fine of not more than \$100.**

**(ii) A second or subsequent violation of Subsection (2) is subject to a fine of not less than \$100 and not more than \$500.**

**(c) Before July 1, 2019, a peace officer:**

**(i) may not issue a citation to an individual who violates this section; and**

**(ii) shall issue a warning to an individual who violates this section, informing the**

## HB0155S01 compared with HB0155

individual regarding the restrictions in this section.

~~(f)(c)d~~ The court may suspend the fine for a violation of this section if the individual~~f~~

~~(i) f~~ has not previously been convicted of a violation of this section~~f~~; and

~~(ii) proves to the court that the individual has enrolled in a tobacco cessation programf~~.

(4) The board shall:

(a) post signs that indicate that smoking and the use of tobacco are prohibited, both indoors and outdoors, at the capitol hill complex, except in a designated area;

(b) coordinate with the Office of Tourism within the Governor's Office of Economic Development to make reasonable accommodations, primarily for the benefit of tourists and other visitors to the capitol hill complex who wish to smoke; and

(c) coordinate with the Department of Human Resource Management and the Department of Health to provide educational materials for employees describing resources that are available to employees who work at the capitol hill complex for tobacco prevention, reduction, and cessation.

(5) (a) The board may establish a single designated area for smoking and the use of tobacco on the capitol hill complex for tourists, visitors, and employees that is exempt from the restriction in Subsection (2).

~~f (b) The size of the area designated under Subsection (5)(a) may not exceed 150 square feet.~~

~~f~~ ~~(f)(c)b~~ If the board designates an area under Subsection (5)(a), the board shall:

(i) clearly mark the area as a designated area for smoking and the use of tobacco;

(ii) locate the area in a manner that is consistent with the requirements of Title 26,

Chapter 38, Utah Indoor Clean Air Act; and

(iii) locate the area outside the area bounded by the State Capitol, State Office Building, House Building, and Senate Building.

(6) To the extent that provisions of this section are in conflict with provisions of Title 26, Chapter 38, Utah Indoor Clean Air Act, the provisions of this section are controlling.

~~f~~

## **HB0155S01 compared with HB0155**

**~~Legislative Review Note~~**

**~~Office of Legislative Research and General Counsel,~~**